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SUBJECT: GUANTANAMO RETURNEE UPDATE: ONE RELEASED,
GOVERNMENT APPEAL DROPPED AGAINST FIVE OTHERS

REF: KUWAIT 3055

¶1. On November 7, the Court of Cassation, Kuwait's highest court, ordered Nasser Najar Al-Mutairi, the first Kuwaiti national transferred from detention at Guantanamo Naval Base, released from state custody pending issuance of a final verdict by the court on December 5, 2006. In June, 2005 Mutairi was acquitted by the trial court of a variety of charges including being a member of an terrorist organization. On appeal by the prosecution, the Court of Appeals found him guilty and sentenced him to five years in prison. Mutairi's current appeal is from that decision.

APPEAL OF OTHER GUANTANAMO RETURNEES DROPPED

¶2. Post learned that the Government of Kuwait would not proceed with an appeal to the nation's highest court in the cases of the five Kuwaitis released from Guantanamo Base in November, 2005. The five defendants, Abdul Aziz Sayer Al Owain Al Shimmari, Mohammed Funaitel Sahli Al-Dihani, Saad Maadi Saad Al Azmi, Abdullah Saleh Ali Al-Ajmi, and Adil Zamil Abdulmohsen Al-Zamil were found not guilty by a trial court and this verdict was upheld by the Court of Appeals in July, 2006. Despite an announcement on July 29, 2006, by the Kuwait Public Prosecution office that it would appeal the Court of Appeals decision (reftel), the Government of Kuwait has allowed the period for filing an appeal to lapse.

TWO MOST RECENT RETURNEES STILL IN CUSTODY

¶3. Kuwaiti nationals Omar Rajab Amin and Abdullah Kamel Al-Kandari, who were released from detention at Guantanamo Naval Base on September 15, 2006, remain in state custody pending completion of the investigation.

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